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HIGHLY MIGRATORY FISH STOCKS
New York, 12-30 July 1993

CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS IN THE BERING SEA AND THE SEA OF OKHOTSK

(Submitted by the delegations of the Russian Federation and the United States of America)

1. The United States and the Russian Federation welcomed General Assembly resolution 47/192 of 29 January 1993 which called for a conference to address the question of straddling fish stocks and to consider means of improving cooperation among States. As coastal States, engaged in ongoing international consultations regarding straddling fish stocks in enclaves surrounded by our respective exclusive economic zones, this Conference presents a timely and important opportunity to consider these issues.

2. In the Bering Sea, there is a small, central enclave referred to as the "doughnut hole", which is encircled by the 200-mile exclusive economic zones of the Russian Federation and the United States. A stock of pollock - the Aleutian Basin stock - straddles the United States and Russian zones and the doughnut hole area. More than 85 per cent of the Aleutian Basin lies within the 200-mile zones. In the Sea of Okhotsk there is a small enclave called the "peanut hole". It is completely surrounded by the Russian economic zone and comprises roughly 3 per cent of the Sea of Okhotsk. In both cases, the pollock spawning grounds are inside the areas of national jurisdiction, not in the enclaves.

3. Fishing in the doughnut hole began in the mid-1980s and quickly expanded from a total harvest of approximately 360,000 metric tons in 1985 to a peak of roughly 1.4 million metric tons in 1989. The fishery collapsed over the next two years to such an extent that by 1992 harvests were only in the 10,000 metric ton range.

4. In an effort to conserve the pollock stock, the Russian Federation and the United States reduced, then suspended, domestic fisheries inside their respective zones. The distant-water fishing nations refused to suspend operations until the fishery collapsed and was no longer economically viable. A voluntary moratorium for 1993 and 1994 is now in effect in the doughnut hole.

5. A similar situation developed in the Sea of Okhotsk peanut hole when vessels displaced from the doughnut hole transferred their efforts to the pollock fishery there. Unregulated fishing, considerably exceeding the total allowable catch recommended by scientists, dramatically depleted the pollock stock of the Sea of Okhotsk. The Russian Federation, recognizing the potential for harm to the pollock stock in its surrounding zone, restricted the harvest in the Sea and called for a cessation of fishing in the enclave. However, this appeal has been met with continued fishing.

6. In both instances, unregulated fisheries in these small enclaves resulted in a conservation crisis for the stocks and economic crises for coastal fishermen and the communities dependent on them. In both instances, the coastal States had to shut down their own fisheries in their zones, while the distant-water States continued to deplete the stocks by fishing outside the exclusive economic zones.

7. The United States and the Russian Federation have taken their obligations prescribed in the United Nations Convention on the Law of the Sea seriously. Our two Governments have made exceptional efforts to negotiate effective conservation and management arrangements with the distant-water fishing States. In the case of the Bering Sea, there have been seven multilateral conferences and numerous other meetings convened at the initiative of the Russian Federation and the United States. In the case of the Sea of Okhotsk, bilateral and multilateral consultations and negotiations have been initiated by the Russian Federation.

8. These efforts produced some short-term progress after the conservation crises were reached. Regrettably, however, the goal of establishing meaningful and effective international conservation regimes for these relatively small enclave areas remains elusive. Fishing continues in the peanut hole in spite of the obvious need for a moratorium. The most recent consultation regarding a long-term agreement for the doughnut hole was disappointing.

9. The United States and the Russian Federation hope the deliberations at this Conference will instruct subsequent consultations on straddling stocks of pollock in these unique enclaves. The Russian Federation and the United States are committed to the conservation and sustainable utilization of these resources, taking into account the ecosystems of which they are a part. We are mindful both of our management responsibilities in this regard and of our rights to utilize fully these stocks within our exclusive economic zones. We accept our urgent duty to resolve these crises in order to conserve for future generations the ecosystems of these unique areas, and we hereby declare our determination, in accordance with international law, to carry out that duty by taking all necessary measures.